

FROM

(SAT) JUL 31 2004 7:54/ST. 7:53/No. 6833031075 P 1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

First Named Applicant: Chang et al.

Art Unit: 2173

Serial No.: 10/054,463

Examiner: Bonshock

Filed: November 13, 2001

CASE NO. - 50P4159

For: SIMPLIFIED USER INTERFACE BY ADAPTATION
BASED ON USAGE HISTORY

July 26, 2004
750 B STREET, Suite 3120
San Diego, CA 92101

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

In response to the Office Action dated June 14, 2004, the following remarks are submitted. Claims 1-3, 5-10, and 12-18 have been rejected under 35 U.S.C. §102 as being anticipated by Arcuri et al., USPN 6,121,968, and Claims 4 and 11 have been rejected under 35 U.S.C. §103 as being obvious over Arcuri et al. in view of Siefert et al., USPN 5,726,688.

It is believed that subtle but patentably important differences exist between the present claims and Arcuri et al. In Arcuri et al., a short menu (in the Office Action, the element used as the claimed "user interface") can be expanded by adding entries on a long menu but not, in contrast to Claim 1, by using features on the short menu, much less by using statistics based on usage as recited in Claim 1. Instead, in Arcuri et al., if a desired command is not found on the short menu, short menu commands are presented in one shading and long menu commands are presented in another shading, so that the user can see the entries

1168-76.AMD

CASE NO.: 50P4159
Serial No.: 10/054,463
July 26, 2004
Page 2

PATENT
Filed: November 13, 2001

on the long menu that the user might desire to be listed on the short menu. To add an entry to the short menu, the user simply selects the entry *from the long menu*, with the command then being added to the short menu, col. 8, lines 56-60. Selection of an item not on the short menu is the only way in Acuri et al. to modify the short menu, whereas in Claim 1 the user interface is modified based on statistics gleaned from usage of features on the user interface itself. For this reason, it is believed that the present claims are patentable.

What is perhaps confusing is that Acuri et al. provides one of two ways to arrive at the point where the long menu appears for subsequent selection of a long menu entry to add to the short menu. This is a feature of Acuri et al. that is not directly germane to the present claims, since it does not result in short menu modification but only in how to display the long menu in the first place, but Applicant will nonetheless address it.

The user of Acuri et al. may cause the long menu to appear manually, col. 9, lines 55-60, which clearly does not implicate any short menu usage, much less short menu modification based on statistics of short menu usage. Or, the long menu may be caused to appear by "implicit" rules, col. 11, line 47 continuing to col. 12, line 14, *none of which require usage of any features on the short menu*. For instance, a keyboard accelerator stroke can be used, or a hidden menu that is different from the short menu may be double clicked, or the cursor can be moved to the end of the short menu without selection or use of anything on the short menu to cause the long menu to appear. Or, the cursor can be hovered over a short menu item (e.g., the view key) to cause the long menu to appear, but Acuri et al. specifically teaches that the short menu item is not clicked or entered, col. 12, lines 2 and 3. Even if it were, of course, it would

1168-76 AMD

FROM

(SAT) JUL 31 2004 7:54/ST. 7:53/No. 6833031075 P 3

CASE NO.: 50P4159
Serial No.: 10/054,463
July 26, 2004
Page 3

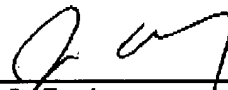
PATENT
Filed: November 13, 2001

not result in short menu modification in contrast to the present claims, but only in displaying the long menu for use as explained above.

Additionally, certain features of the dependent claims appear to be patentable. For example, Claim 6 recites allowing a user to enable a learning mode for user interface modification, whereas the above-discussed features of Acuri et al. appear always to be enabled. This is not surprising, given the different technological focus of Acuri et al. which is directed to a U/I for knowledgeable computer users, not a user-friendly U/I for potentially unsophisticated TV viewers.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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1168-76.AMD